

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**August 14, 2009**

DIVISION ONE

B204634      D.C., a Minor, etc., et al.                      (Certified for Publication)  
                 v.  
                 Harvard-Westlake School, et al.

The judgment is reversed. On remand, the trial court shall take the necessary steps to ensure that plaintiffs do not pay any inappropriate arbitral expenses (see *Armendariz v. Foundation Health Psychcare Services, Inc.* (2000) 24 Cal.4th 83, 107–113) or any attorney fees prohibited by the hate crimes laws (Civ. Code, §§ 52, subd. (b)(3), 52.1, subd. (h)). Plaintiffs are entitled to costs on appeal.

Mallano, P.J.

I concur:      Miller, J. (Assigned)  
I dissent:      Rothschild, J. (Opinion)

DIVISION TWO

B200622      Mishler    (Not for Publication)  
                 v.  
                 Margaret Kinder and Rosemary Kinder

The judgment is reversed. The matter is remanded to the probate court with directions to appoint Rosemary Kinder as the sole successor trustee of the Peter T. Gallegos Trust. Costs on appeal are to be paid by Margaret Kinder to Special Administrator Timothy S. Mishler, for the benefit of the Trust.

Boren, P.J.

We concur:    Doi Todd, J.  
                 Ashmann-Gerst, J.

August 14, 2009 (Continued)

## DIVISION TWO (continued)

B206162 People (Not for Publication)  
v.  
Lane

The orders under review are affirmed.

Boren, P.J., Ashmann-Gerst, J., Chavez, J.

B207591      People                         (Not for Publication)  
v.  
Frey

The judgment (order granting probation) is affirmed.

Boren, P.J.

I concur: Chavez, J.  
I dissent: Doi Todd, J. (Opinion)

DIVISION THREE

B208297      People      (Not for Publication)  
v.  
Nicholas Frank Armogida

The judgments in Case Nos. PA060727 and GA070974 are affirmed.

Aldrich, J.

We concur: Klein, P.J.  
Croskey, J.

### DIVISION THREE (continued)

B211210      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
R.S.

The juvenile court's order declaring R.S. "the alleged biological father" of B.S., and denying him reunification services, is reversed. The matter is remanded to the juvenile court with directions to comply the notice requirements of section 316.2, subdivision (b), to make any new and appropriate paternity finding, and to conduct further proceedings not inconsistent with this opinion.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

B205542 Gutierrez (Not for Publication)  
v.  
Rodriguez, et al.

The judgment is reversed. Gutierrez is awarded costs on appeal.

Kitching, J.

We concur: Klein, P.J.  
Aldrich, J.

## DIVISION FOUR

Court convened at 9:00 a.m.

Present: Epstein, P.J., Willhite, J., Manella, J., Suzukawa, J. and V. Guzman, Deputy Clerk.

DIVISION FOUR (continued)

Each of the following:

B210092 People v. Gillis  
B214236 DCFS v. Janita S.  
B211363 People v. Laureano  
B204494 People v. White  
B211266 People v. Navarro  
B213514 DCFS v. Dawn T.  
B212681 DCFS v. Ann H.

Argument waived, cause submitted.

B209493     People  
              v.  
              Dowell

Merits:

Argued by Carol S. Boyk for appellant and by Steven D. Matthews, deputy attorney general for respondent. Cause submitted.

B207275     Senoussi  
              v.  
              Kona Coast Properties et al.

Merits:

Argued by James G. Allen for appellant and by Marvin Gelfand for respondents. Cause submitted.

B206605     People  
              v.  
              Malooly

Merits:

Argued by Aron Laub for appellant and by E. Carlos Dominguez, deputy attorney general for respondent. Cause submitted.

DIVISION FOUR (continued)

B211131 Sage Engineering, Inc.  
v.  
Woeller

Merits:

Argued by John R. Pelle for appellant and by Theodore Khachaturian for respondent. Cause submitted.

B213283 A.C.  
v.  
Superior Court, Los Angeles County  
(Department of Children and Family Services, r.p.i.)

Merits:

Argued by Eliot Lee Grossman for petitioner, by Tracey F. Dodds, deputy county counsel for real party in interest and by Martha Matthews for minor, J.C. Cause submitted.

B210502 Hur, et al. v. Lee  
Joy Investment & Realty, Inc. and Yoon v. Hur, et al.

Merits:

Argued by Terran T. Steinhart for appellant Lee and by James Mortensen for appellants Joy Investment & Realty. No appearance on behalf of respondent. Cause submitted.

B210159 Aguilar  
v.  
F.S. Hotels (L.A.), Inc.

Merits:

Argued by Paul Wagner for appellant and by David de Rubertis for respondent. Cause submitted.

Court in recess.

DIVISION FOUR (continued)

Court reconvened at 1:30 p.m.

Present: Epstein, P.J., Willhite, J., Manella, J., Suzukawa, J. and V. Guzman , Deputy Clerk.

B209923      Campbell  
                 v.  
                 Alfa Laval, Inc.

Merits:

Argued by Brian P. Barrow for appellant and by Gonzalo C. Martinez for respondent. Cause submitted.

B210746      Jee-MacDougall et al.  
                 v.  
                 County of Los Angeles

Merits:

Argued by Calvin House for appellant and by Eric A. Amador for respondents. Cause submitted.

B211841      Brooks  
                 v.  
                 City of Los Angeles, et al.

Merits:

Argued by James A. Otto for appellant and by Douglas L. Lyon for respondents. Cause submitted.

B210295      Franicevich  
                 v.  
                 Helsel et al.

Merits:

Argued by Robert L. Kern for appellants. No appearance on behalf of respondent. Cause submitted.

August 14, 2009 (Continued)

## DIVISION FOUR (continued)

B206739      Bradfield  
v.  
APM Terminals Pacific et al.

Merits:

Argued by David A. Rosen for appellants; by Andrea Sheridan Ordin for respondent APM Terminals Pacific; by Robert S. Schuda for respondent Morton Salt; by Lisa Cooney for respondent Pacific Coast Recycling and by Kevin Whelan for respondent Weyerhaeuser Co. Cause submitted.

B210347 Board of Trustees of the California State University  
v.  
California Faculty Association

Merits:

Argued by Allison M. Woodall for appellant and by Bernard Rohrbacher for respondent. Cause submitted.

Court Adjourned.

DIVISION FIVE

B209187      People                                  (Not for Publication)  
v.  
Richard Gonzalez

The judgment is affirmed.

Kriegler, J.

We concur:   Turner, P.J.  
                      Mosk, J.

August 14, 2009 (Continued)

## DIVISION FIVE (continued)

B212355      People      (Not for Publication)  
v.  
Deron Crawford

The judgment is affirmed.

Kriegler, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

B209409      Jerry Freeman      (Not for Publication)  
v.  
City of Long Beach Civil Service Commission

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, Acting P.J.

We concur: Mosk, J.  
Kriegler, J.

## DIVISION SEVEN

B212750	Aguirre et al., v. Chen et al.,
B214940	Aguirre et al., v. Chen et al.,

Filed order consolidating above captioned appeals.